

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1687 of 1986

with

SPECIAL CIVIL APPLICATION NO. 3251 OF 1992

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
- 1 - 5 No

GUJ STATE ROAD TRANSPORT CORPN

Versus

DHIRUBHAI KANJIBHAI PATEL

Appearance:

MR N.V. ANJARIA FOR MR. SN SHELAT for Petitioner

MR HK RATHOD for Respondent No. 1

CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 26/12/97

COMMON ORAL JUDGEMENT

Both these petitions are in respect of the same employee. The driver was dismissed from service on account of his negligence after holding a departmental enquiry, and finding him guilty of negligence, the order of punishment was passed. The Labour Court holding that the enquiry was legal and the finding of negligence was

established, came to the conclusion that the punishment of dismissal was disproportionate and excessive and therefore reduced the punishment to stoppage of two increments with cumulative effect and directed reinstatement with backwages.

As a result of the award the workman was reinstated. However, later on because the pendency of the first petition Special Civil Application No. 1687 of 1986, he was again discharged from service and therefore Special Civil Application No. 3251 of 1992 was filed by the workman and in that petition the Court has directed that since there was no order staying operation and implementation of the award, the petitioner shall be reinstated in service and accordingly the petitioner was reinstated and he has also been paid backwages and the order of punishment passed by the Labour Court for stoppage of two increments with backwages has also been implemented and is in force.

Having regard to the fact that the Labour Court has exercised discretion in substituting the punishment and having regard to the fact that after compliance of the award a period of ten years has passed, there is no justified and adequate reason to interfere with the award. Hence both these petitions are disposed of. Rule is discharged in both these petitions.

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